

REMARKS

This is in response to the Office Action mailed on March 27, 2007. In this amendment, claim1 is amended and claims 1-3, 5-10, 12-14 and 17-22 are pending. Reconsideration of this application is requested.

Status of Office Action Mailed March 27, 2007

Applicant thanks Examiner Noguerola for his telephone call on May 29, 2007 in which he clarified that the Office Action mailed on May 27, 2007 was a non-final office action. The Office Action Summary inadvertently listed the action as being both final, and non-final.

Rejections Under 35 U.S.C. § 103

Claims 1-3, 5-10, 12-13, and 17-21 were rejected under 35 U.S.C. 103(a) as unpatentable over Hyland (WO 03/056319). Applicant disagrees and reiterates the previously presented reasons for allowance. However, in an effort to advance this case to allowance, independent claim 1 has been amended to better clarify that the electrochemical cell includes a first side and a second side. In addition, the claim has been amended to better clarify that the electrochemical cell has a passage that extends from the first side to the second side.

In contrast, the Hyland reference does not describe a passage extending from a first side to a second side of the electrochemical cell, where the electrochemical cell includes a substrate, nor would it have been obvious to one skilled in the art to provide a passage all the way through the electrochemical cell, as recited by the pending claim 1, based on the teaching in the Hyland reference.

For example, FIG. 6 of the Hyland reference illustrates an embodiment of an electrochemical cell. Page 15, lines 24-26. The cell includes a permeable membrane 4, insulating material 7, working electrode 5, counter electrode 6, and substrate 21. A receptacle is formed through insulating material 7, working electrode 5, and counter electrode 6, but is not formed through substrate 21. "Substrate 21 forms the base of the receptacle." Page 15. Although the receptacle has "an opening at the position of the base", the cell together with the substrate forms a receptacle 21. Page 15, lines 27-30. In other words, the receptacle does not extend through substrate 21, as shown in FIG. 6. The substrate (e.g., substrate 21) is needed to

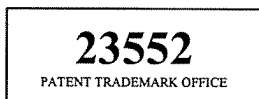
form the receptacle for retaining the sample. Contrary to the Hyland reference, the passage of the electrochemical cell of pending claim 1 is configured with both ends open, allowing access to the passage from both the first side and the second side.

The Hyland reference describes electrochemical cells having a receptacle with a closed end, as opposed to a passage extending through the electrochemical cell. The Hyland reference does not provide any reason to modify the receptacle to include a passage through the end of the receptacle.

For at least these reasons, independent claim 1 is not obvious over the Hyland reference. In addition, dependent claims 2-3, 5-10, 12-14, and 17-22 ultimately depend from independent claim 1, and are therefore also not obvious over the Hyland reference. Withdrawal of the rejection is requested.

Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.



Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: August 27, 2007

/Mara E. DeBoe/
Mara E. DeBoe
Reg. No. 40,066
MED/BAT:ae